

BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONAL BENCH, BHOPAL
ORIGINAL APPLICATION NO 87/2022 (CZ)

Petitioner

Sarthalk Tomar

Versus

Respondents

State of MP and ors

| SN | PARTICULARS | ANNEXURE | PAGE NO |
|----|---|----------|---------|
| 1 | Action taken by M P Pollution Control Board [MPPCB] | | 2-3 |
| 2 | Notice to Nagar Palika Parishad, Mandideep | 1 | 4-5 |

Date: 10.03.2023

Place: Bhopal

Submitted by MPPCB:-



Through Counsel

Adv. Parul Bhadoria

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ACTION TAKEN BY M P POLLUTION CONTROL BOARD [MPPCB]

1. That, the instant Original Application raised the issue of absence of sanitary landfill for municipal waste generated and collected from Mandideep in violation of the Solid Waste Management Rules, 2016.
2. That, the Hon'ble Tribunal vide its order dated 17.11.2022 constituted a joint committee of District Collector, Raisen, Chief Municipal Officer, Mandideep Municipal Council, Mandideep and Madhya Pradesh Pollution Control Board to visit the place and submit the factual and action taken report. The report of joint committee submitted on 18.12.2022 is on record.
3. Further, Hon'ble Tribunal vide its order dated 10.01.2023 directed the State Pollution Control Board to visit the site and check the compliances of the environmental rules and in case of non-compliance and or violation of environmental rules necessary remedial actions in addition to imposition and realisation of Environmental Compensation be taken in accordance with rules.

4. In compliance with the Hon'ble Tribunal order dated 10.01.2023, an inspection was carried out by Regional Officer, Mandideep on 25.01.2023 and observed non-compliance of the directions passed by the Hon'ble Tribunal. Therefore, MPPCB has issued the notice for imposing Environment Compensation for the period from 01.07.2020 to 31.12.2022 (60 lakh) to Chief Municipal Officer, Nagar Palika Parishad, Mandideep, Raisen for violation of Solid Waste Management Rules 2016. The copy of **Notice dated 06.03.2023 enclosed as Annexure-1.**
5. The Hon'ble Tribunal may kindly be pleased to take the aforesaid action taken report.

Date: 10.03.2023

Place: Bhopal

Submitted by MPPCB:-



**Through Counsel
Adv. Parul Bhadoria**



No. 547/MSW/HOPCB/2023

Bhopal, Date: / /2023
06 MAR 2023

To,
✓ The Chief Municipal Officer,
Nagar Palika Parishad, Mandideep,
Distt.- Raisen (M.P.)

Sub: Execution of the directions passed by Hon'ble National Green Tribunal dated 10/01/2023 & 13/02/2023 in OA.NO. 87/2022 for imposing Environment Compensation for the period 01/07/2020 to 31/12/2022 for violating the provisions of Solid Waste Management Rules 2016.

Ref: 1. NGT Orders dated 25.02.2020, 28.02.2020 & 14.12.2020 in OA No. 606/2018
"Compliance of Municipal Solid Waste Management rules, 2016"
2. NGT Order dated 17/11/2022, 10/01/2023 & 13/02/2023 in O.A. No.87/2022 (cz) Sarthak Tomar vs. Govt. of M.P & Ors.

WHEREAS MP Pollution Control Board (MPPCB) is a statutory body constituted under section 4 of the Water (Prevention & Control of Pollution) Act, 1974 and has been entrusted with the responsibilities of enforcement of the Environment Laws in the State.

WHEREAS, the power to issue directions under Section-5 of the Environment (Protection) Act, 1986 has been delegated to the Chairman, MPPCB vide notification dated 10.04.2001.

WHEREAS, you are the Nagar Palika Parishad and it is the mandatory duty of Urban Local Bodies/Cantonment Board to comply with the Solid Waste Management Rules 2016, as well as proper management of solid waste & to protect the environment from pollution.

WHEREAS, you have not obtained authorization from M.P.PCB & not proper disposal of solid waste in accordance with the Solid Waste Management Rules, 2016.

WHEREAS, in OA No. 606/2018, "Compliance of Solid Waste Management Rules, 2016 and other environment issues", Hon'ble National Green Tribunal, Principal Bench, New Delhi has directed on 17/01/2020 & 25/02/2020 that -

1. After 31.03.2020 failure to comply with Rule 22 of SWM Rules, from Serial No. 1 to 10, every local body shall be liable to pay compensation at the rate of Rs. 10 Lakh per month per local body for population of above 10 lakhs, Rs. 5 lakh per month per local body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month for other local body from 01.04.2020 till compliance.
2. Continued failure of every local body on the subject of commencing the work of legacy waste sites remediation from 01.04.2020 till compliance will result in liability to pay compensation at the rate of Rs. 10 lakh per month per local body for population of above 10 lakhs, Rs. 5 lakh per month per local body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other local body.

WHEREAS, NGT vide its order dated 14/12/2020 has extended the time line for levy of compensation from 01/04/2020 to 01/07/2020.

WHEREAS, Hon'ble NGT vide order dated 13/02/2023 has directed to MPPCB to assess/ calculate & realise environment Compensation for non Compliance of solid waste w.e.f. 01/07/2020 to 31/12/2022.



MADHYA PRADESH POLLUTION CONTROL BOARD
Paryawaran Parisar, E-5, Arera Colony, BHOPAL - 462 016

(0755) 2464428, 2466191 Fax : (0755) 2463742 e-mail: mawmpcb18@gmail.com

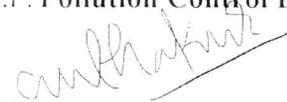
WHEREAS, as per inspection dated 25/01/2023 carried out by Regional Office, MPPCB, M'deep Dist. Raisen, it is observed that you have not complied with the tasks & timelines given by the Hon'ble NGT for period **01/07/2020 to 31/12/2022** as per details given below :-

| Name of ULB | District | Population | Point of Non - Compliance | Compensation / Month (Rs.) | Duration in Months | Total Compensation (Rs In lakh) |
|-------------|----------|------------|--|----------------------------|--------------------|---------------------------------|
| Mandideep | Raisen | 85,719 | 1.Failure to comply of Rule 22 of Solid Waste Management Rule 2016 | 1.0 Lakh | 30 | 30.00 Lakhs |
| | | | 2.Non Remediation of Legacy Waste | 1.0 Lakh | 30 | 30.00 Lakhs |
| | | | Compensation | Total | | 60.00 Lakhs (Sixty Lakhs) |

you are hereby directed to pay Environment Compensation of Rs. 60.00 Lakhs for the period of Violation from 01/07/2020 to 31/12/2022 within 15 days from the date of issue these directions, in the Punjab National Bank, EPCO, Shahpura, Paryawaran Parisar, Arera Colony, Bhopal, IFSC Code- PUNB0631000, A/c No. – 6310001200000043 INR, Member Secretary MPPCB Environment Protection fund NGT Account.

This issues with the approval of the competent authority. Kindly acknowledge the receipt of this letter.

For and on behalf of
M.P. Pollution Control Board


(Chandra Mohan Thakur)
Member Secretary

Copy to :-

1. Principal Secretary, Urban Development & Housing Department, Govt. of MP, Mantralaya, Vallabh Bhawan, Bhopal. for information & necessary action to ensure the compliance of NGT order please.
2. Principal Secretary, Environment Department, Govt. of MP, Mantralaya, Vallabh Bhawan, Bhopal. for information
3. The Commissioner, Urban Administration and Development Department, Palika Bhavan, Shivaji Nagar, Bhopal for information & necessary action to ensure the compliance of NGT order please.
4. Collector, Raisen (M.P.) for information and necessary action for realisation of total amount of Environment Compensation Rs.60 Lakhs from the Nagar Palika Parishad Mandideep at the earliest.
5. The Regional Officer, M. P. Pollution Control Board, Mandideep, Dist. Raisen for information & necessary action please.